

106TH CONGRESS  
1ST SESSION

# S. 614

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IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 17, 1999

Referred to the Committee on Resources

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## AN ACT

To provide for regulatory reform in order to encourage investment, business, and economic development with respect to activities conducted on Indian lands.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Indian Tribal Regu-  
5       latory Reform and Business Development Act of 1999”.

1 **SEC. 2. FINDINGS; PURPOSES.**

2 (a) FINDINGS.—Congress finds that—

3 (1) despite the availability of abundant natural  
4 resources on Indian lands and a rich cultural legacy  
5 that accords great value to self-determination, self-  
6 reliance, and independence, Native Americans suffer  
7 rates of unemployment, poverty, poor health, sub-  
8 standard housing, and associated social ills which  
9 are greater than the rates for any other group in the  
10 United States;

11 (2) the capacity of Indian tribes to build strong  
12 Indian tribal governments and vigorous economies is  
13 hindered by the inability of Indian tribes to engage  
14 communities that surround Indian lands and outside  
15 investors in economic activities conducted on Indian  
16 lands;

17 (3) beginning in 1970, with the issuance by the  
18 Nixon Administration of a special message to Con-  
19 gress on Indian Affairs, each President has re-  
20 affirmed the special government-to-government rela-  
21 tionship between Indian tribes and the United  
22 States; and

23 (4) the United States has an obligation to as-  
24 sist Indian tribes with the creation of appropriate  
25 economic and political conditions with respect to In-  
26 dian lands to—

1 (A) encourage investment from outside  
2 sources that do not originate with the Indian  
3 tribes; and

4 (B) facilitate economic development on In-  
5 dian lands.

6 (b) PURPOSES.—The purposes of this Act are as fol-  
7 lows:

8 (1) To provide for a comprehensive review of  
9 the laws (including regulations) that affect invest-  
10 ment and business decisions concerning activities  
11 conducted on Indian lands.

12 (2) To determine the extent to which those laws  
13 unnecessarily or inappropriately impair—

14 (A) investment and business development  
15 on Indian lands; or

16 (B) the financial stability and management  
17 efficiency of Indian tribal governments.

18 (3) To establish an authority to conduct the re-  
19 view under paragraph (1) and report findings and  
20 recommendations that result from the review to Con-  
21 gress and the President.

22 **SEC. 3. DEFINITIONS.**

23 In this Act:

1           (1) AUTHORITY.—The term “Authority” means  
2           the Regulatory Reform and Business Development  
3           on Indian Lands Authority.

4           (2) FEDERAL AGENCY.—The term “Federal  
5           agency” means an agency, as that term is defined  
6           in section 551(1) of title 5, United States Code.

7           (3) INDIAN.—The term “Indian” has the mean-  
8           ing given that term in section 4(d) of the Indian  
9           Self-Determination and Education Assistance Act  
10          (25 U.S.C. 450b(d)).

11          (4) INDIAN LANDS.—

12           (A) IN GENERAL.—The term “Indian  
13          lands” includes lands under the definition of—

14                   (i) the term “Indian country” under  
15                   section 1151 of title 18, United States  
16                   Code; or

17                   (ii) the term “reservation” under—

18                           (I) section 3(d) of the Indian Fi-  
19                           nancing Act of 1974 (25 U.S.C.  
20                           1452(d)); or

21                           (II) section 4(10) of the Indian  
22                           Child Welfare Act of 1978 (25 U.S.C.  
23                           1903(10)).

24           (B) FORMER INDIAN RESERVATIONS IN  
25          OKLAHOMA.—For purposes of applying section

3(d) of the Indian Financing Act of 1974 (25 U.S.C. 1452(d)) under subparagraph (A)(ii), the term “former Indian reservations in Oklahoma” shall be construed to include lands that are—

(i) within the jurisdictional areas of an Oklahoma Indian tribe (as determined by the Secretary of the Interior); and

(ii) recognized by the Secretary of the Interior as eligible for trust land status under part 151 of title 25, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(5) INDIAN TRIBE.—The term “Indian tribe” has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(6) SECRETARY.—The term “Secretary” means the Secretary of Commerce.

(7) TRIBAL ORGANIZATION.—The term “tribal organization” has the meaning given that term in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l)).

#### **SEC. 4. ESTABLISHMENT OF AUTHORITY.**

(a) ESTABLISHMENT.—

1           (1) IN GENERAL.—Not later than 60 days after  
 2           the date of enactment of this Act, the Secretary, in  
 3           consultation with the Secretary of the Interior and  
 4           other officials whom the Secretary determines to be  
 5           appropriate, shall establish an authority to be known  
 6           as the Regulatory Reform and Business Develop-  
 7           ment on Indian Lands Authority.

8           (2) PURPOSE.—The Secretary shall establish  
 9           the Authority under this subsection in order to fa-  
 10          cilitate the identification and subsequent removal of  
 11          obstacles to investment, business development, and  
 12          the creation of wealth with respect to the economies  
 13          of Native American communities.

14          (b) MEMBERSHIP.—

15               (1) IN GENERAL.—The Authority established  
 16               under this section shall be composed of 21 members.

17               (2) REPRESENTATIVES OF INDIAN TRIBES.—12  
 18               members of the Authority shall be representatives of  
 19               the Indian tribes from the areas of the Bureau of  
 20               Indian Affairs. Each such area shall be represented  
 21               by such a representative.

22               (3) REPRESENTATIVES OF THE PRIVATE SEC-  
 23               TOR.—No fewer than 4 members of the Authority  
 24               shall be representatives of nongovernmental eco-

1        nomic activities carried out by private enterprises in  
2        the private sector.

3        (c) INITIAL MEETING.—Not later than 90 days after  
4        the date of enactment of this Act, the Authority shall hold  
5        its initial meeting.

6        (d) REVIEW.—Beginning on the date of the initial  
7        meeting under subsection (c), the Authority shall conduct  
8        a review of laws (including regulations) relating to invest-  
9        ment, business, and economic development that affect in-  
10       vestment and business decisions concerning activities con-  
11       ducted on Indian lands.

12       (e) MEETINGS.—The Authority shall meet at the call  
13       of the chairperson.

14       (f) QUORUM.—A majority of the members of the Au-  
15       thority shall constitute a quorum, but a lesser number of  
16       members may hold hearings.

17       (g) CHAIRPERSON.—The Authority shall select a  
18       chairperson from among its members.

19       **SEC. 5. REPORT.**

20       Not later than 1 year after the date of enactment  
21       of this Act, the Authority shall prepare and submit to the  
22       Committee on Indian Affairs of the Senate, the Committee  
23       on Resources of the House of Representatives, and to the  
24       governing body of each Indian tribe a report that  
25       includes—

1           (1) the findings of the Authority concerning the  
2       review conducted under section 4(d); and

3           (2) such recommendations concerning the pro-  
4       posed revisions to the laws that were subject to re-  
5       view as the Authority determines to be appropriate.

6   **SEC. 6. POWERS OF THE AUTHORITY.**

7       (a) HEARINGS.—The Authority may hold such hear-  
8       ings, sit and act at such times and places, take such testi-  
9       mony, and receive such evidence as the Authority con-  
10      siders advisable to carry out the duties of the Authority.

11      (b) INFORMATION FROM FEDERAL AGENCIES.—The  
12      Authority may secure directly from any Federal depart-  
13      ment or agency such information as the Authority con-  
14      siders necessary to carry out the duties of the Authority.

15      (c) POSTAL SERVICES.—The Authority may use the  
16      United States mails in the same manner and under the  
17      same conditions as other departments and agencies of the  
18      Federal Government.

19      (d) GIFTS.—The Authority may accept, use, and dis-  
20      pose of gifts or donations of services or property.

21   **SEC. 7. AUTHORITY PERSONNEL MATTERS.**

22      (a) COMPENSATION OF MEMBERS.—

23           (1) NON-FEDERAL MEMBERS.—Members of the  
24      Authority who are not officers or employees of the  
25      Federal Government shall serve without compensa-



1       tion, except for travel expenses as provided under  
2       subsection (b).

3               (2) OFFICERS AND EMPLOYEES OF THE FED-  
4       ERAL GOVERNMENT.—Members of the Authority  
5       who are officers or employees of the United States  
6       shall serve without compensation in addition to that  
7       received for their services as officers or employees of  
8       the United States.

9               (b) TRAVEL EXPENSES.—The members of the Au-  
10      thority shall be allowed travel expenses, including per diem  
11      in lieu of subsistence, at rates authorized for employees  
12      of agencies under subchapter I of chapter 57 of title 5,  
13      United States Code, while away from their homes or reg-  
14      ular places of business in the performance of services for  
15      the Authority.

16              (c) STAFF.—

17               (1) IN GENERAL.—The chairperson of the Au-  
18      thority may, without regard to the civil service laws,  
19      appoint and terminate such personnel as may be  
20      necessary to enable the Authority to perform its du-  
21      ties.

22               (2) PROCUREMENT OF TEMPORARY AND INTER-  
23      MITTENT SERVICES.—The chairperson of the Au-  
24      thority may procure temporary and intermittent  
25      services under section 3109(b) of title 5, United

1 States Code, at rates for individuals that do not ex-  
2 ceed the daily equivalent of the annual rate of basic  
3 pay prescribed under GS-13 of the General Sched-  
4 ule established under section 5332 of title 5, United  
5 States Code.

6 **SEC. 8. TERMINATION OF THE AUTHORITY.**

7 The Authority shall terminate 90 days after the date  
8 on which the Authority has submitted a copy of the report  
9 prepared under section 5 to the committees of Congress  
10 specified in section 5 and to the governing body of each  
11 Indian tribe.

12 **SEC. 9. EXEMPTION FROM FEDERAL ADVISORY COM-**  
13 **MITTEE ACT.**

14 The activities of the Authority conducted under this  
15 title shall be exempt from the Federal Advisory Committee  
16 Act (5 U.S.C. App.).

17 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

18 There are authorized to be appropriated such sums  
19 as are necessary to carry out this Act, to remain available  
20 until expended.

Passed the Senate September 15, 1999.

Attest:

GARY SISCO,  
*Secretary.*